IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE SRI JUSTICE BILAL NAZKI**

**and**
**THE HON'BLE SRI JUSTICE S.ANANDA REDDY**

**WRIT PETITION No.26371 of 2005**

**Between**:

M/s.Vinayaka Agencies,

Chittoor, Chittoor District,

Rep. by its Proprietor, Madhava Reddy,

S/o. Muni Reddy, aged 36 years.

**.....PETITIONER**

**AND**

1. The Assistant Commiissioner of Commercial Taxe (Legal),

O/o. The Commissioner of Commercial Taxes,

Excise & Commercial Taxes Building,

M.G.Road, Nampally, Hyderabad, and 2 others.

**.....RESPONDENTS**

**ORDER:** ***(Per Hon'ble Sri Justice Bilal Nazki)***

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of Rs.1,05,000/-(Rupees one lakh five thousand only). Therefore, we set aside the order of the authority and direct that Rs.1,05,000/-(Rupees one lakh five thousand only) shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

**----------**

**(Bilal Nazki, J)**

**9th December, 2005**

**----------**

**(S.Ananda Reddy, J)**

LUR